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In The United States Patent and Trademark Office

Appn. Number: 10/804,499

Appn Filed: 2004, March 19

Applicant: Keith Cangiarella(Pro Se)

Title: Novelty message kit

Examiner/GAU: Gregory Pickett/3728

August 22, 2007

“Renewed Petition under 37 CFR 1.181”

Mail Stop - Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Dear Commissioner,

Applicant hereby humbly petitions the Commissioner to renew petition to reply to the office action mailed on November 13th, 2006, for the above patent application. Applicant states the following reasons for renewing petition under CFR 1.181;

1. Applicant receives US mail in a mailbox outside applicant's home delivered by a US postal employee.
2. When Applicant received mail from USPTO, applicant records it in applicant's ms word document – Exhibit E
3. If letter from USPTO, requires action on part of Applicant, the envelope is marked with the date that the reply needs to be in the mail by, and placed on Applicant's desk in clear view as constant reminder. If no reply necessary correspondence goes into its folder. Exhibit A and B show the applicant is very prompt in replying to USPTO.
4. Along with the marking of the envelope the applicant posts a date on a post it and adheres to Applicant's desk. Applicant has been very prompt to answer all received mail from USPTO, Exhibit A and B demonstrate this.

5. From the time the applicant's application was completed 09-13-04 the applicant heard nothing from the USPTO for 18 months 05-01-2006, as they say the wheels at the patent office turn slowly. Patients are a virtue when working with the USPTO. Applicant sent reply, 6-13-06, office action was received 6-27-06, applicant's reply mailed 07-07-06, then nothing received from USPTO – Exhibit E print out of Applicant's notes.
6. The applicant relies solely on the United States Postal Service to deliver Office Actions from the United States Patent Office. The Office Action(OA) mailed on November 13th was not received or may have not been mailed by the USPTO.
7. The Applicant was advised that one could view files online at the uspto.gov website, applicant did so and that is how applicant found out about Office Action mailed Nov 13th. The applicant respectfully suggests it is possible that the USPTO failed to mail or possibly mailed it with another office action to another applicant. As this applicant never received Notice of Non-Compliant Amendment mailed 11/13/2006, it is possible that the Legal Instruments Examiner made a mistake.
8. The applicant immediately contacted the examining attorney whom advised the applicant to file a "Petition to reset a period of response".
9. The Applicant contacted the United States Postal Service to advise them an important piece of mail was not delivered. See Exhibit D, highlighted sentence – US Postal Service – "I also understand that there is a misdelivery problem in your area"
10. The Senior Petitions Attorney states a mailing of Notice of Abandonment was mailed, the applicant never received this nor does the Transaction History or Available documents show this Notice of Abandonment. Exhibits A and B
11. The Applicant, whom is pro se, had done due diligence in replying to office correspondences and has been diligent to this important business.

The applicant has shown from the points above and the attached Exhibits the applicant is entitled to renew this petition and the petition should be granted. The accidental loss of a piece of correspondence which never was mailed or was lost in the mail, should not be

held against Applicant as the applicant has done due diligence, in replying to all received correspondences, and has no way of determining the length of time between the mailed correspondence of Applicant and the reply back from the USPTO.

The applicant prays the Commissioner will renew the petition and reset time to reply.

Very respectfully,

A handwritten signature in black ink, appearing to read "Keith Cangiarella". The signature is fluid and cursive, with the first name "Keith" and last name "Cangiarella" clearly distinguishable.

Keith Cangiarella

-----Applicant Pro Se-----

331 N. Harrington Drive
Fullerton, CA. 92831
Tel. (714)441-3442 (714)464-4112 fax

August 22, 2007

Exhibit A

10/804,499 Novelty message kit

08-22-2007::14:58:06

Transaction History

Date	Transaction Description
08-09-2007	Petition Decision - Dismissed
04-27-2007	Petition Entered
11-13-2006	Mail Notice of Informal or Non-Responsive Amendment
11-09-2006	Date Forwarded to Examiner
11-01-2006	Informal or Non-Responsive Amendment after Examiner Action
* 11-01-2006 *	Response after Non-Final Action
10-02-2006	Mail Notice of Informal or Non-Responsive Amendment
07-19-2006	Date Forwarded to Examiner
07-12-2006	Informal or Non-Responsive Amendment after Examiner Action
* 07-12-2006 *	Response after Non-Final Action
06-27-2006	Mail Notice of Informal or Non-Responsive Amendment
06-27-2006	Date Forwarded to Examiner
06-19-2006	Informal or Non-Responsive Amendment after Examiner Action
06-19-2006	Response after Non-Final Action
05-02-2006	Mail Non-Final Rejection
05-01-2006	Non-Final Rejection
06-08-2004	Information Disclosure Statement considered
04-19-2006	Case Docketed to Examiner in GAU
08-25-2005	Case Docketed to Examiner in GAU
08-24-2005	Case Docketed to Examiner in GAU
12-15-2004	IFW TSS Processing by Tech Center Complete
06-08-2004	Reference capture on IDS
08-19-2004	Oath or Declaration Filed (Including Supplemental)
08-19-2004	New or Additional Drawing Filed
06-08-2004	Information Disclosure Statement (IDS) Filed
06-08-2004	Information Disclosure Statement (IDS) Filed
03-19-2004	New or Additional Drawing Filed
12-15-2004	Case Docketed to Examiner in GAU
09-13-2004	Application Return from OIPE
09-13-2004	Application Return TO OIPE
09-13-2004	Application Dispatched from OIPE
09-13-2004	Application Is Now Complete
08-19-2004	Additional Application Filing Fees
08-19-2004	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic
08-19-2004	Applicant has submitted new drawings to correct Corrected Papers problems
08-10-2004	Notice Mailed--Application Incomplete--Filing Date Assigned
04-15-2004	Cleared by OIPE CSR
03-26-2004	IFW Scan & PACR Auto Security Review
03-19-2004	Initial Exam Team nn

**Close Window**

10/804,499 Novelty message kit

08-22-
2007::16:13:39

This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click Start Download.

Available Documents

	Document Description	Page Count
08-09-2007	Petition Decision	7
04-27-2007	Petition for review by the Office of Petitions.	9
04-27-2007	Amendment - After Non-Final Rejection	1
04-27-2007	Specification	4
04-27-2007	Claims	1
04-27-2007	Applicant Arguments/Remarks Made in an Amendment	2
11-13-2006	Notice to the applicant regarding a Non-Compliant Amendment	2
11-13-2006	Notice to the applicant regarding a Non-Compliant Amendment	2
11-01-2006	Informal or Non-Responsive Amendment	1
11-01-2006	Specification	2
11-01-2006	Claims	1
11-01-2006	Abstract	1
11-01-2006	Applicant Arguments/Remarks Made in an Amendment	2
10-02-2006	Requirement for Restriction/Election	5
07-12-2006	Amendment - After Non-Final Rejection	1
07-12-2006	Specification	2
07-12-2006	Claims	1
07-12-2006	Applicant Arguments/Remarks Made in an Amendment	2
07-12-2006	Transmittal to TC	12
07-12-2006	Fee Worksheet (PTO-06)	1
06-27-2006	Notice to the applicant regarding a Non-Compliant Amendment	2
06-19-2006	Informal or Non-Responsive Amendment	1
06-19-2006	Specification	2
06-19-2006	Abstract	1
06-19-2006	Claim-Amendment Not Entered	1
06-19-2006	Applicant Arguments/Remarks Made in an Amendment	2
06-19-2006	Fee Worksheet (PTO-06)	1
05-02-2006	Non-Final Rejection	7
05-02-2006	List of References cited by applicant and considered by examiner	1
05-02-2006	List of references cited by examiner	1
05-02-2006	Index of Claims	1
05-02-2006	Bibliographic Data Sheet	1
05-02-2006	Search information including classification, databases and other search related notes	1
04-28-2006	Examiner's search strategy and results	5
09-13-2004	Miscellaneous Internal Document	3
08-19-2004	Applicant Response to Pre-Exam Formalities Notice	2
08-19-2004	Drawings	1
08-19-2004	Oath or Declaration filed	1
08-10-2004	Pre-Exam Formalities Notice	2
06-08-2004	Information Disclosure Statement (IDS) Filed	2
03-19-2004	Transmittal of New Application	1
03-19-2004	Specification	10
03-19-2004	Claims	1
03-19-2004	Abstract	1
03-19-2004	Drawings	1

No Notice of Abandonment
mailed.

Never
Recalled
was it
mailed

03-19-2004	Fee Worksheet (PTO-06)	1
03-19-2004	Fee Worksheet (PTO-06)	1

Close Window



Exhibit C

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,499	03/19/2004	Keith Cangiarella		7694

7590 11/13/2006

Keith Cangiarella
331 N Harrington Drive
Fullerton, CA 92831

EXAMINER

PICKETT, JOHN G

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10/804499

Examiner

Pickett

Applicant(s)

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 01 November 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☒ 2. Abstract:
- ☒ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment, an amendment filed after allowance, or a drawing submission (only). If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Denise Liles

Legal Instruments Examiner (LIE), if applicable

571-272-4364

Telephone No.

Exhibit D

Subject: Dear USPS, I recently discovered that an important letter from the United Sta... [Incident: 070416-001682]

From: "Support@USPS" <uspshelpdesk@spemail.esecurecare.net>

Date: Thu, 19 Apr 2007 11:52:35 -0600 (MDT)

To: 1mib@dreamweaverstudios.com

Subject

Dear USPS, I recently discovered that an important letter from the United Sta...

Discussion Thread

Response (Jewel H) - 04/19/2007 11:52 AM

Dear KEITH CANGIARELLA,

Thank you for contacting us regarding your mail item. I understand that you did not get a mail piece from the United States Patent Office.

You would like for us to provide information that you did not get your mail piece.

I do apologize you did not get your mail piece, but we do not keep a record of who gets what.

Due to the large volume of mail, it is impossible to trace a single piece of regular mail. We are unable to track an item based on the name and delivery address.

I also understand that there is a misdelivery problem your area.

We will document this issue if your item has not been received within 14 Postal business days. However, I need some additional information so this can be sent to the correct office and you can be contacted. Please reply to this email with the following information:

- Your home telephone number
- Full name of the sender
- Address of the sender
- Full name of the recipient
- Address of the recipient
- Type of mail (letter, large envelope, package, large package, or unknown)
- Class of mail (Express Mail®, First Class Mail®, international, military, Periodicals, Priority Mail® Bulk Mail, Parcel Post®, Media Mail®, or mixed class)
- Services added (Certified Mail™, Registered Mail™, Return Receipt, Merchandise, Insured, C.O.D., Signature Confirmation™, and/or Delivery Confirmation™)
- Label number
- Location the mail item was sent from (sender's residence, other residence / business, Post Office™ ZIP Code™, Collection Box®, or unknown)
- Time and date the mail item was sent
- Contents of the mail item and value
- Whether you would like to receive a call regarding this issue (There is no guarantee that further information can be provided via email.)
- If you suspect foul play:
 - Do you know who was involved?
 - Do you know the name(s) of whom you suspect?
 - Was it a Postal employee?
 - Do you have a description?

If I can be of assistance to you in the future, please don't hesitate to contact me.

Thank you for choosing the United States Postal Service®.

Regards,

Jewel H

Exhibit E

Patent app. Novelty Message Kit – 10/804499

03/19/2003 – Provisional Patent application filed

05/25/2003 – Provisional patent receipt received – Hurray!

Note to self – file non provisional patent app. on or before 3/19/04, knowing you, it will be 3/19/04 ☺

06/24/03 – tried to license product, - received no reply, we will be in touch.

12/02/03 – still no reply from any potential licensees – huh!

Don't forget to file non prov. Before 3/19/04

3/19/04 – filed non provisional patent application – way to go!

08/12/04 – non provisional receipt received – missing parts – got to pay fine – ouch! – that's what you get for waiting.

8/14/04 – mailed missing parts and penalty fees

9/16/04 – Filing receipt received – 10/804499

Application to be published 12/23/04

01/15/05 – nothing yet

6/15/05 – nothing yet

12/12/05 – nothing yet, no news is good news?

3/22/06 – still nothing

05/06/06 – Office action received

06/13/06 – mailed office action reply

06/29/06 – response from PTO – claim error

07/07/06 – replied to PTO – with claim fixed, I hope

10/05/06 – PTO reply – claim problem and specification

10/26/06 – reply to PTO again – now we wait, may take another 2 years – geez!

12/12/06 – nothing yet – last time this happened patent was allowed – maybe this time too?

2/10/07 – no news, bet it will be allowed?

March – first time I noticed you can check online regarding status, I will do so now, According to the PTO, mailed notice to me on Nov 13, 2007, and I have not received it.

Called patent examiner left voicemail, received voicemail, now I have to file a Petition to revive application due to post office failure. Well, that should teach me, never rely on the US Postal service, they can't even deliver the governments mail

Mailed Petition – 04/23/07 – hurry up and wait.

8/13/07 – reply to Petition – not enough evidence – need to send copy of this... I get blamed for the failure of the US postal service, even with a note from the US postal service stating the mail people are making mistakes.

Now I have to send this in and hope Mr. Wood, will give an entrepreneur a second chance for something that isn't his fault. If one can't rely on the US postal service, then whom can they rely on.